

**IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF ARKANSAS
CENTRAL DIVISION**

**BENJAMIN PITTS
ADC #148011**

PLAINTIFF

v.

Case No. 4:20-cv-00849-KGB-ERE

**DEXTER PAYNE, Director
Arkansas Department of Correction, *et al.***

DEFENDANTS

ORDER


Before the Court are two Partial Recommended Dispositions (individually “Partial Recommendation”) submitted by United States Magistrate Judge Edie R. Ervin (Dkt. Nos. 32; 43).

In the first Partial Recommendation, issued on August 10, 2021, Judge Ervin addressed the defendants’ motion for summary judgment, concluding that the motion should be denied and a trial date set (Dkt. Nos. 26; 32). The second Partial Recommendation, issued on October 26, 2021, dealt with plaintiff Benjamin Pitts’ motion to amend his complaint (Dkt. Nos. 41; 43). Judge Ervin concluded that allowing Mr. Pitts “to amend his complaint at this stage in the case, after the discovery deadlines and motion deadlines have passed, would cause undue delay and be unduly prejudicial to [the] [d]efendants” (Dkt. No. 43, at 3). Based upon this Court’s review of the docket, it does not appear that the parties filed objections to either Partial Recommendation, and the time to file objections has passed. To the extent Mr. Pitts intended his response to defendants’ petition for removal and objection and exhibits (Dkt. Nos. 44; 45) to be an objection to either Partial Recommendation, the Court has reviewed the filings and the entire record *de novo*.

After careful consideration of the Partial Recommendations and the record, the Court concludes that both Partial Recommendations should be, and hereby are, approved and adopted in their entirety as this Court’s findings in all respects (Dkt. Nos. 32; 43). The Court denies

defendants' motion for summary judgment and Mr. Pitts' motion to amend his complaint (Dkt. Nos. 26; 41). The Court will enter a scheduling order setting a trial date and other deadlines via separate order.

It is so ordered this 25th day of February, 2022.

A handwritten signature in black ink, reading "Kristine G. Baker", written over a horizontal line.

Kristine G. Baker
United States District Judge